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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Civil Revision No. 114/2007

Applicant (Defendant) — Tejpal Singh Kushwaha, aged about 62 years, son of Shri Jagram Singh, retired Nirikshak, Naptaul, Distt. Uttar Bastar, Kanker, C.G., at present resident of G-1, Anand Enclave, Kushwaha Colony, Road No. 27, Smriti Nagar, Bhilai, Distt. Durg (C.G.)

versus

Respondents Plaintiffs

1. Shambhunath Dubey, son of Shri Girja Shankar Dubey, aged about 45 years, Occupation – Vakalat, resident of Annapurna Para, Kanker (C.G.)

2. Sharda Devi wife of Shri Shambhu Nath Dubey, aged about 40 years, resident of Annapurna Para, Kanker (C.G.)

Civil Revision Under Section 115 of Civil Procedure Code, 1908

Present : Shri Bharat Rajput, counsel for the applicant.

ORAL ORDER
(Passed on 26th September, 2007)

Heard on admission.

The applicant is aggrieved by the judgment and decree dated 23-04-2007 passed by Additional District Judge, North Bastar Kanker in Civil Appeal No. 1-B/2007 for arrears of rent.

Learned counsel for the applicant submitted that the applicant has already been evicted from the suit accommodation. The sole ground urged by the learned counsel for the applicant in this revision is that both the Courts below have erred in recording a finding that the rent of the tenanted premises was Rs.400/-. It was submitted that both the Courts below ought to have accepted the oral evidence of

the ~~appellant~~ applicant /defendant that the rent of the tenanted premises was Rs.250/- per month. No other ground was urged. Learned counsel did not dispute that no reply was sent by the applicant to the notices Ex. P-24 to 31 sent by the ~~respondents~~ non-applicants/plaintiffs wherein rent was mentioned at Rs.400/- per month.

I have perused the judgment passed by the lower appellate Court as also the judgment of the trial Court. Both the Courts below have on proper appreciation of evidence oral as well as documentary adduced by the non-applicants/plaintiffs, recorded a finding that the rent of the tenanted premises was Rs.400/- per month. No such illegality or manifest error of law is shown in the impugned judgments so as to justify interference in revision.

Accordingly, the Civil Revision is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr